

Lake Oriented Mixed Use Development

Section 750 – Lake Oriented Mixed Use Development

Section 751 – Purpose

The purpose of the Lake-Oriented Mixed Use District (LMU) is to provide for a mix of residential, office, commercial, parks, trails, and open space uses oriented to the shoreline of Utah Lake preserve lake views and provide access to shoreline recreational features. The LMU District is intended to provide a transition in uses between the recreational and open space uses of the Lake Shore Protection zone to the urban mixed uses of the TC District to the East. Development in the LMU District will be designed in a manner that:

1. Protects constrained and sensitive lands adjacent to Utah Lake;
2. Conserves conservation and open space land near to and adjacent to Utah Lake, including those areas containing unique or natural features by setting them aside from development;
3. Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for development;
4. Provides incentives for the creation of greenway systems and open space within the Town for the benefit of present and future residents;
5. Provides incentives and design alternatives for landowners to minimize impacts on views and access to Utah Lake;
6. Conserves scenic views and elements of the Town's rural and scenic character and minimizes perceived density by minimizing views of new development from existing or planned roads.

Section 752 – Lake Activity Areas

The General Plan Land Use Map identifies three Lake Activity Areas within the LMU District, located at approximately 400 North and Main Street, 1200 North and the Vineyard Connector and 1600 North and the Vineyard Connector. These areas will have excellent vehicular access and can serve as nodes for relatively high-intensity land uses such as hotels, offices, and lake-oriented commercial activities such as restaurants and recreational facilities. While the exact areas and configuration of the Lake Activity Areas will be determined at the time of development plan approval, it is anticipated that these areas will be approximately 20 to 50 acres in size.

Outside of and between the Lake Activity Areas, The General Plan calls for lower density uses such as residential, parks, trails and open space uses. Structures located outside of the Lake Activity will be subject to height and massing restrictions to preserve views of the Lake through the property and to provide for non-vehicular access between the lakeshore and the TC Zone District to the East.

Section 753 – Definitions

For purposes of this Section, the following words shall have the meanings set forth herein:

Conservation Land. Conservation land means land containing unique, historic, cultural, archeological, natural or other significant features, including, but not limited to, meadows, grasslands, tree stands,

streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, and open space.

Constrained and Sensitive Land. Constrained and sensitive land means land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.

Section 754 – Procedures

1. Application.

1.1. Prior to any development with the LMU Zoning District, a Development Plan (DP) shall be reviewed and approved by the Town Council upon recommendation by the Planning Commission pursuant to the procedures established in **Figure 7-1**.

1.2. Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Sensitive Area Designation Plan and/or Development Plan.

2. Development Plan.

An applicant shall submit a detailed development plan which shall include the following:

2.1. Proposed name of the development.

2.2. Name, address, and telephone number of the property owner and applicant.

2.3. Legal description.

2.4. Description of the proposed land use areas and the specifications including use standards of each area including:

2.4.1. Proposed dwelling unit type, total land area, and maximum density of residential use areas.

2.4.2. Proposed uses other than residential, total land area, and maximum floor area ratios associated with commercial or industrial uses.

2.4.3. Proposed public streetscape and private open space improvements and their relationship to the overall development.

2.4.4. Building heights, minimum lot areas, and setbacks.

2.4.5. A description of architectural theme colors and type of exterior building materials for each structure or group of structures in the MDP.

2.4.6.A description of the landscaping treatment, plant materials, fences, walls, and other open space improvements.

2.4.7.Proposed location of any arterial, collector, or local streets.

2.4.8.Proposed location and use of all lands proposed to be dedicated for public purpose including parks, storm water retention areas, and school sites.

2.4.9.Master water, sewer, and drainage plans.

3. Project Narrative.

3.1.The applicant shall submit a statement describing the terms and conditions under which the property will be developed and maintained subsequent to development. Such statements shall include any conditions, performance standards, and other reasonable restrictions as may be necessary to ensure the development and maintenance of the property in accordance with the approved development plan.

3.2.The applicant shall submit a description of the objectives to be achieved by the development concept. The statement shall include, but is not limited to:

3.3.The manner in which the proposed development meets or exceeds the intent of the LMU District.

3.4.The proposed architectural and site design concepts including style, colors, and type of materials, placement of structures to protect views and take advantage of the site's natural characteristics.

3.5.Specific concepts by which the proposed development will make an orderly transition from existing or planned adjacent development including varied setbacks and facade treatment, open space elements, screening of parking areas, and landscaping of public or private open spaces and recreational facilities.

3.6.The purpose of this narrative is to provide a clear and concise statement for the review process to ensure a better understanding of the proposed development concept.

4. Sensitive Area Designation Plan. All applications for a development within the LMU District shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains and wetlands.

The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, tree stands, streams, stream corridors, flood walls, wildlife corridors and/or habitat, archeological sites and cultural features.

5. Site Plans. Upon approval of a development plan, a site plan for each building or group of buildings shall be submitted for review and approval in accordance with **Section 1400.**

6. Time Schedule for Development. The applicant shall include a tentative schedule for the phasing of the development. The statement shall include the type of development, density, and floor area ratios for each phase of the development, and shall be accompanied by a map designating the phases and sequence of development.

7. Amendments

7.1. Minor Amendments

7.1.1. Minor Amendments are allowed for a maximum of ten percent (10%) of any individual Development Plan element to adjust the location of uses shown on the Development Plan and to achieve a more suitable development plan.

7.1.2. Minor amendments do not include an increase in the maximum building height or exception to the building height; or residential density or non-residential intensity.

7.1.3. Minor amendments to the DP may be approved by the Town Planner.

6.2 Major Amendments

6.2.1 Major amendments are those that increase the maximum allowable building height, residential density, non-residential intensity, and/or that exceed ten (10) percent of an individual DP plan element.

6.2.2 Approval of any major amendments will require review approval of the Town Council upon a recommendation from the Planning Commission.

8. Findings.

The Planning Commission shall base its recommendation on, and the Town Council must find that the Development Plan application is consistent with the purpose of the LMU district. The Commission evaluation shall include land use mixture, land use categories, land use intensities, and the proposed development standards.

Section 755 – Use Regulations

1. Permitted Uses.

Permitted uses shall be those identified under LMU District in Table 32-3 Table of Allowed Uses in Non Residential Zoning Districts.

2. Conditional Uses.

Conditional uses shall be those identified under LMU District in Table 32-3 Table of Allowed Uses in Non Residential Zoning Districts.

3. Accessory Uses.

Uses which are customary and incidental to the principal use of the property, as approved by the Town Planner, may be allowed in the LMU District.

4. Prohibited Uses.

Any use not listed under LMU District in Table 32-3 Table of Allowed Uses in Non Residential Zoning Districts shall be prohibited.

Section 756 – Development Standards

Except as identified below all development standards shall be established within the approval process including residential density, lot sizes, building setbacks, required yards, etc.

1. Project Characteristics.

All projects within the LMU district shall have the following characteristics:

- 1.1. Multiple buildings which may accommodate one or more uses;
- 1.2. More than one land use within the project;
- 1.3. Buildings on the site connected by internal streets and drives, and pedestrian connections and pathways;
- 1.4. At least one major public space, such as a plaza, park, town square, or other public gathering space; and,
- 1.5. Lake orientation.

2. Minimum Acreage:

The minimum acreage required for a Development Plan shall be twenty (20) acres; provided, however, that a parcel of less than twenty (20) acres may be approved, subject to compliance with all provisions of this ordinance and approval by the Town Council.

3. Residential

- 3.1. The maximum density of a residential development not within a Lake Activity Area is one unit per acre. The minimum density is twelve (12) units per acre.
- 3.2. There is no limit on residential density within designated Lake Activity Areas if the residential units are part of a vertical mixed use development.
- 3.3. The maximum density of residential uses within a Lake Activity Area but not part of a vertical mixed use development is twelve (12) units per acre.
- 3.4. All residential development not within a Lake Activity Area shall meet the development standards of the RE-40 (Residential Estate) District except as provided above.
- 3.5. All residential development within a Lake Activity Area not part of a vertical mixed use development, shall comply with the HDR-1 (High Density Residential) District or as approved by the Town Council in a development plan.
- 3.6. A maximum of thirty (30) percent of the project may be used for stand alone residential uses within Lake Activity Area as part of a horizontal mixed use project.

4. Conservation Subdivision

- 4.1. Developers desiring to develop property outside the Lake Activity Areas may elect to propose a Conservation Subdivision in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter. Two conservation development options are offered. These options are provided as an incentive to encourage developers to cluster residential development to preserve lake views and designate, preserve and protect a greater percentage of their property as permanent open space.

Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

4.1.1. Option One: Basic Conservation.

Option One, provides for residential development at up to 150% of the base residential density permitted in the LMU District. In order to obtain the full density incentive, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides a minimum of 25% of the gross acreage of the development parcel as permanent open space.

4.1.2. Option Two: Enhanced Conservation.

Option Two provides for residential development at up to 200% of the base residential density permitted in the LMU District. In order to obtain the full density incentive, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides a minimum of 50% of the gross acreage of the development parcel as permanent open space.

5. Non-Residential

Non-residential development shall only occur within identified Lake Activity Areas. The overall intensity of non-residential uses shall be determined by the Town Council as part of the review and approval of a development plan.

6. Building Height

The maximum building height for areas within Lake Activity Areas shall be determined by the Town Council as part of the review and approval of a development plan. The maximum height for buildings not within a Lake Activity Area shall be thirty (30) feet.

7. Open Space

All projects shall provide open space within the development as follows:

- 7.1. At least one major public space, such as a plaza, park, town square, or other public gathering space. These spaces should be also be designed and located for substantial public use. The public gathering space should include a significant public amenity, such as water features and/or public art.
- 7.2. A private outdoor living space shall be provided adjoin each dwelling unit equal to a minimum of five (5) percent of the floor area of the dwelling unit.
- 7.3. A minimum of fifteen (15) percent of the site area of the residential development shall be set aside as common open space for recreation uses.
- 7.4. A minimum of ten (10) percent of the site area of the non-residential development shall be set aside as common open space. Such areas shall be used for public plaza areas, outdoor seating areas, or other areas approved by the Town Planner.
- 7.5. All open space areas shall be owned and maintained by a property owners association.

Section 757 – Parking

Parking shall be provided as required as determined by the Town Planner.

Section 758 – Landscaping

A common landscape theme shall be established for each Development Plan. All landscaping, including materials and quantities, shall be installed in accordance with the provisions of the Zoning Ordinance.

Section 759 – Design Guidelines

The Town Council shall adopt design guidelines. Property located within the LMU shall be developed in conformance with the provisions set forth herein and with the guidelines. In the event that a project is proposed prior to adoption of design guidelines, an applicant may propose and the Town Council may approve, design guidelines that address, including but not limited to: architectural style and character, landscaping, lighting, etc.

Section 760 – Conservation Lands Design Standards

All projects developed under the conservation subdivision provisions shall meet the following standards:

1. Significant Areas and Features. Conservation land should include the most unique and sensitive resources and locally significant features of the property within the development.
2. Contiguous Land. Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision, and to connect open to spaces on adjacent properties. Non-contiguous parcels of conservation lands may be approved by the Town during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations.
3. Open Space Network Connection. Conservation land within a Conservation Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system in general

accordance with the Farmington Resource and Site Analysis Plan to ensure that an interconnected network of open space will be provided throughout the Town.

4. **Visibility.** Conservation Land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of conservation land may be accomplished through design and location of such open space as terminals at the ends of streets or along “single-loaded” street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter “greenbelt” conservation land.
5. **Recreational Uses.** A substantial amount of the required Conservation Land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least twenty percent (20%) of the minimum required conservation land remains available for common use and enjoyment of the subdivision residents or the public.
6. **Buffering and Views.** Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the proposed development abuts a public park or open space, a natural greenway buffer at least fifty (50) feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or fire safety). Where this buffer is unwooded, the Town may require vegetative screening to be planted at developer’s sole cost and expense and/or that the buffer be managed to encourage natural succession through ‘no-mow’ policies and the periodic removal of invasive alien plant and tree species.
7. **Pedestrian Access.** The developer shall provide adequate pedestrian access to Conservation Land which is open to public or resident use.
8. **Maintenance Access.** The developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Subdivision.
9. **Landscaping.** All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped at developer’s sole cost and expense in accordance with landscaping requirements for subdivisions.
10. **Constrained and Sensitive Lands.** No development or residential uses shall be permitted within constrained and sensitive lands in the LMU District.
11. **Permanent Protection of Conservation Lands.** Permanent protection of conservation lands shall be provided by one of the following options:
12. **Conservation Easement.** All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the Town. Under no circumstances shall any development be permitted in the conservation land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Conservation Subdivision. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be approved by the Town and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.

13. Ownership of Conservation Lands. Unless otherwise approved by the Town and subject to the provisions set forth in this Chapter, the underlying fee ownership of the Conservation Land shall remain in single ownership and may be owned and maintained by one of the following entities: a homeowners' association, land trust, conservation organization, governmental entity, or private individual. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

14. Maintenance of Conservation Lands. Unless otherwise agreed to by the Town, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the Conservation Land. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Subdivision with the Preliminary Plat application for the Subdivision. The Maintenance Plan shall provide the following:

14.1. The Plan shall define ownership.

14.2. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).

14.3. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

14.4. At the Town's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

14.5. The Maintenance Plan must be approved by the Town prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the Town's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the Town. In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Town may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

14.6. The Town may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Town in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the Town's corrective action authority set forth herein and shall be recorded against the property.